

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/index.asp

Case No. S-2731

PETITION OF EMILY VAN LOON AND A. THOMAS WOLF

OPINION OF THE BOARD

(Opinion Adopted October 22, 2008)

(Effective Date of Opinion: January 15, 2009)

Case No. S-2731 is an application for a special exception, pursuant to Section 59-G-2.00 of the Zoning Ordinance, to permit an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on August 29, 2008, closed the record in the case on September 5, 2008, and on October 2, 2008, issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **Granted** Subject
to Conditions Enumerated Below.

The subject property is Lots 19 and 20, Block 22, B.F. Gilberts Addition to Takoma Park, located at 7011 Sycamore Avenue, Takoma Park, Maryland, 20912 in the R-60 Zone.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on October 22, 2008. After careful consideration and review of the record in the case the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. The Petitioners are bound by their testimony, representations and exhibits of record;
2. The Petitioners must maintain repairs already made to comply with the conditions set forth in the Memorandum of Robert Goff, Housing Code Inspector, Division of Housing and Code Enforcement (Exhibit 15):
 - a. Secure outlet in bedroom #1
 - b. Install cover on junction box on kitchen ceiling

- c. Install approved ceiling in living room
 - d. Install cover on outlet in living room
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- 3. Based on habitable space in the apartment (733 square feet), no more than 5 family members or two unrelated persons may reside in the accessory apartment;
 - 4. Petitioners must occupy one of the dwelling units on the lot on which the accessory apartment is located;
 - 5. Petitioners must not receive compensation for the occupancy of more than one dwelling unit; and
 - 6. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by David K. Perdue, seconded by Wendell M. Holloway, with Catherine G. Titus, Vice-Chair and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Catherine G. Titus
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 15th day of January 2009.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.